

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 8703

IN THE MATTER OF:

Served May 10, 2005

Application of SANAGA SERVICES)
& CARE LLC for a Certificate of)
Authority -- Irregular Route)
Operations)

Case No. AP-2005-55

By application accepted for filing April 26, 2005, Sanaga Services & Care LLC, a District of Columbia limited liability company, seeks a certificate of authority for irregular route operations in vehicles with a seating capacity of less than 16 persons only, including the driver.

Applicant proposes commencing operations with one van. Applicant's proposed tariff contains rates for transportation under the DC Medicaid program.

Applicant's owner, Anatole D. Nyemeck, is also the owner of Lean & Herny Transportation LLC, trading as L. A. & H Transit, WMATC Carrier No. 758, which paid the \$100 filing fee for this application.

The Compact states that a carrier or any person controlling, controlled by, or under common control with a carrier shall obtain Commission approval to acquire control of another carrier that operates in the Metropolitan District through ownership of its stock or other means.¹ Approval may be granted if the Commission finds the acquisition is consistent with the public interest.² The public interest analysis focuses on the fitness of the acquiring party, the resulting competitive balance, and the interest of affected employees.³

This proceeding is hereby initiated to determine whether applicant is fit and whether the proposed transportation and common control are consistent with the public interest.

THEREFORE, IT IS ORDERED:

1. That applicant shall publish once in a newspaper of general circulation in the Metropolitan District, no later than May 25, 2005, notice in the form prescribed by the staff of the Commission.

¹ Compact, tit. II, art. XII, § 3(a)(iii).

² Compact, tit. II, art. XII, § 3(c).

³ Act of Sept. 15, 1960, Pub. L. No. 86-794, § 3, 74 Stat. 1031, 1050 (1960) (codified at DC CODE ANN. § 9-1103.04 (2005)); In re Cavalier Transp. Co., Inc., t/a Tourtime America, Ltd., & Tourtime America Motorcoach, Ltd., No. AP-96-21, Order No. 4926 (Sept. 12, 1996).

2. That applicant shall file with the Commission, no later than June 8, 2005, an original and four copies of an affidavit that notice has been published as required in the preceding paragraph.

3. That the deadline for filing protests, comments, applications for intervention, and requests for formal hearing, is June 8, 2005, and that copies must be served on applicant's representative, Anatole D. Nyemeck, 1943 Bennett Place, N.E., Washington, DC 20002.

FOR THE COMMISSION:

A handwritten signature in black ink, appearing to read "William S. Morrow, Jr.", is positioned above the printed name.

William S. Morrow, Jr.
Executive Director